

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--|---|-----------------------------------|
| KEVIN W. THORPE, |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Civil Action No. 04-1752 |
| |) | Judge Gary L. Lancaster/ |
| WILLIAM S. STICKMAN, Supt., |) | Magistrate Judge Amy Reynolds Hay |
| SCI-Greene; OFF. HORNE, CO-1; SGT. |) | |
| CASSIDY, CO-II; OFF. KELLY R. OVER, |) | |
| CO-II; OFF. BOWLIN, CO-1; OFF. |) | |
| SPECHT, CO-1, all individually, and in |) | |
| their official capacity (Doctrine of "res ipsa |) | |
| Loquitur"), |) | |
| Defendants |) | |

ORDER

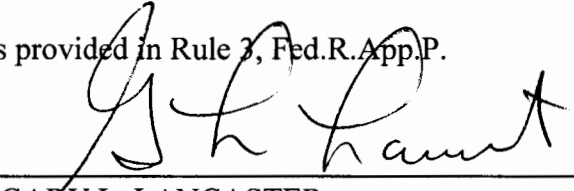
AND NOW, this 16 day of Dec, 2006, after the plaintiff, Kevin

W. Thorpe, filed an action in the above-captioned case, and after a motion for summary judgment was filed by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed by plaintiff, and upon independent review of the record and the motion, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' motion to dismiss the amended complaint is converted into a motion for summary judgment and the motion for summary judgment is granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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